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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,200

10/24/2005

Leo Gypen

GYPE3002/JEK

2829

23364 7590 12/08/2008

BACON & THOMAS, PLLC

625 SLATERS LANE

FOURTH FLOOR

ALEXANDRIA, VA 22314-1176

EXAMINER

HAUTH, GALEN H

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,200	<b>Applicant(s)</b> GYPEN, LEO	
	<b>Examiner</b> GALEN HAUTH	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 16-22, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-15 and 23, drawn to a method for making a panel.

Group II, claim(s) 16-22, 24, and 25, drawn to a device for manufacturing a panel.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common technical feature of groups I and II is continuously laminating enameled metal to both sides of a support by pressing the metal with adhesive to the support and sawing the resulting continuous panel. This common technical feature was not found to define over the prior art *a posteriori* over Meier et al. (PN 5667867) in view of Gypen (PN 6476964). Meier teaches a method for continuous lamination of a composite sheet (col 4 ln 16-17) with metal outer layers (col 2 ln 24-25) and adhesive applied between the outer layers and support (col 4 ln 23-26) and cutting the continuous panel (col 4 ln 47-50). Gypen teaches a enamel coating for a substrate (abstract) that produces a coating that provides a non-porous enamel layer that can be cleaned well, dry or wet, and thus combine an easy maintenance with durability and high serviceable life (col 2 ln 49-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the enamel coating of Gypen to the metallic outer layer of Meier prior to combination with a support structure to provide a laminate with easy maintenance and high durability. Due to the lack of a **special** common technical feature the two groups are subject to restriction.

3. During a telephone conversation with J Ernest Kenney on 11/18/2008 a provisional election was made with traverse to prosecute the invention of group I, claims 1-15 and 23. Affirmation of this election must be made by applicant in replying to this

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Office action. Claims 16-22, 24, and 25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

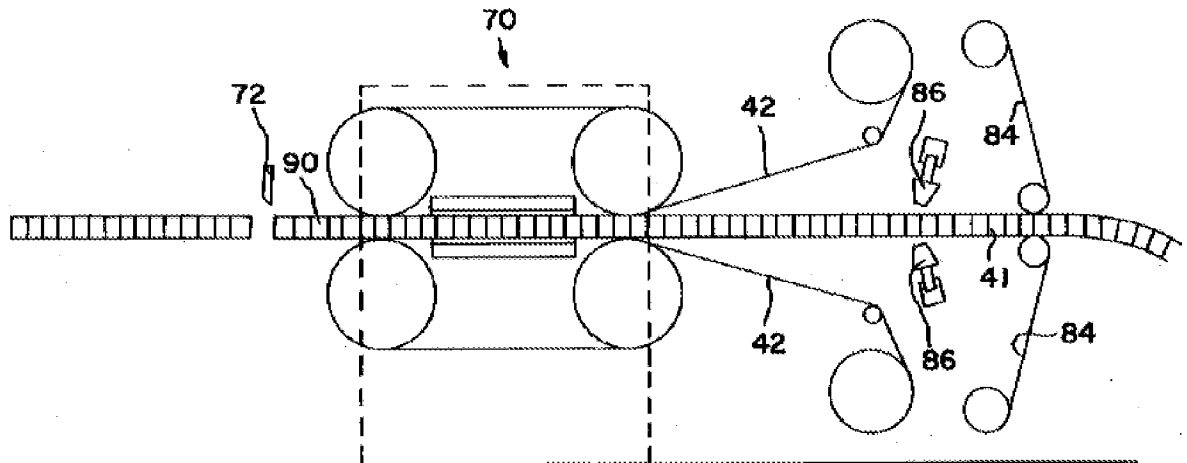
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al. (PN 5667867) in view of Gypen (PN 6476964).

a. With regards to claim 1, Meier teaches a method for continuous lamination of a composite sheet (col 4 ln 16-17) with metal outer layers (col 2 ln 24-25) and adhesive applied between the outer layers and support (col 4 ln 23-26) and cutting the continuous panel (col 4 ln 47-50) as seen in the figure below. Meier does not teach that the outer layers are coated with enamel.



**FIG. 4**

b. Gypen teaches a enamel coating for a substrate (abstract) fired at 800 degrees Celsius (col 2 ln 39) that produces a coating that provides a non-porous enamel layer that can be cleaned well, dry or wet, and thus combine an easy maintenance with durability and high serviceable life (col 2 ln 49-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the enamel coating of Gypen to the metallic outer layer of Meier prior to combination with a support structure to provide a laminate with easy maintenance and high durability. Gypen teaches that the coating provides a projection screen finish (abstract, projection screens are visual communication tools). Though not explicitly stated that the enamel is of porcelain or vitreous material, applicant has acknowledged in communications filed 07/18/2007 that a

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coating heated to a temperature above 500 degrees Celsius must inherently comprise a porcelain or vitreous coating.

c. With regards to claim 2, Meier teaches that the skin layer is applied to both sides (col 4 ln 42-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the coating of Gypen to both outer layers of Meier to produce a symmetrical and adaptable product with beneficial enamel coating on both sides of the sandwich laminate.

d. With regards to claim 3, Meier teaches as seen in the figure above applying the outer layers (42) from a roll into a continuous laminating press (col 4 ln 42-46).

e. With regards to claim 4, Meier does not teach that the skin layer is heated prior to being led into the laminating device; however, Meier teaches the use of hot melt adhesives (col 2 ln 45) and using a hot melt adhesive it would have been obvious to one of ordinary skill in the art at the time the invention was made to heat the skin with adhesive applied to prepare the adhesive for contact with the support member.

f. With regards to claim 5, Meier teaches applying adhesive to both sides of the support structure (col 4 ln 17-19). Meier teaches using glues (col 2 ln 46).

g. With regards to claims 6 and 7, Meier teaches using hot and cold glues (col 2 ln 45-47).

h. With regards to claim 9, Meier teaches using hot melt adhesives (col 2 ln 45), but does not teach that the form of hot melt adhesive is powder or granule;

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however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use powder hot melt adhesive as such is a well known hot melt adhesive form in the art.

i. With regards to claim 10, Meier teaches that the skin layer is heated in a press and subsequently cooled (col 5 ln 19-20).

j. With regards to claim 11, Meier teaches using separate adhesive film rolls (col 4 ln 33-36).

k. With regards to claim 12, Meier teaches using adhesive on both the support and both skin layers (col 2 ln 62-65).

l. With regards to claim 13, Meier teaches the use of adhesive film (col 2 ln 57-58). Though not explicitly stated that the film is formed from granules, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use extrusion to form the film and granule extrusion is well known in the art.

m. With regards to claim 14, Meier teaches spraying the adhesive (col 4 ln 41).

n. With regards to claim 15, Meier teaches that the support is provided with glue in addition to the adhesive of the skin layers (col 2 ln 62-65).

o. With regards to claim 23, Meier teaches that the process is continuous (col 4 ln 15), but does not teach that the support is manufactured synchronously with the panel; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the support synchronously to

increase the efficiency in the process preventing the storage of a support structure rather than a continuous production of the structure directly fed into the lamination device.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GALEN HAUTH whose telephone number is (571)270-5516. The examiner can normally be reached on Monday to Thursday 8:30am-5:00pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571)272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/GHH/

/Christina Johnson/  
Supervisory Patent Examiner, Art Unit 1791